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Paper No. 12

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Holder et al.
Application No. 09/863,098
Filed: May 22, 2001
Attorney Docket No. 543-00-009

This decision concerns the August 16, 2004 "Response to Decision on the Petition" which is in essence a renewed petition under 37 CFR 1.181 to withdraw the holding of abandonment in the above-referenced application.

The petition is **GRANTED**.

The previous petition, filed on May 25, 2004 and treated as an implied §1.181 petition, was dismissed on June 9, 2004 for lacking sufficient proof that an executed oath or declaration had been filed on September 4, 2001 as asserted. The instant renewed petition is accompanied by a copy of a postcard receipt, indicating receipt in the USPTO for this application on September 10, 2001 of, *inter alia*, "Oath & Declaration."

In view of the above, the Office concludes that an execute declaration, as asserted in the May 25, 2004 petition, had been indeed timely mailed and received in the USPTO but was later misplaced. The petition is thus granted.

The October 30, 2003 Notice of Abandonment is hereby vacated. The file is now complete.

No petition fee is owed. The \$110 petition fee submitted on May 25, 2004 and intended for a §1.137(a) petition has been credited to Deposit Account No. 01-1125 as authorized in the May 22, 2001 application fee transmittal.

In addition, the petition uses a correspondence address different from that in the USPTO record for this application, and is signed by a practitioner who does not appear to have a power of attorney from assignee to prosecute this application before the USPTO. While a courtesy copy of this decision is being sent to this practitioner, all future correspondence on this application will be mailed to the current correspondence-address-of-record unless the USPTO is properly instructed otherwise.

The file is being returned to the Office of Initial Patent Examination for issuance of a corrected Filing Receipt to **correct the first name of the second named inventor from "William" to "Willard"** (Paper No. 9) as indicated in the supplemental declaration filed on September 10, 2001 and re-submitted on May 25, 2004 (Paper No. 7).

Upon completion of pre-examination, the file will be forwarded to Technology Center 2600 for examination in due course.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.



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